

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

May 13, 2010

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.:08OD-005

Oahu

Issuance of a Temporary Right-of-Entry Permit to City and County of Honolulu, Department of Transportation Services, Over State Lands Encumbered by Revocable Permit No. S-7359, Honouliuli, Ewa, Oahu, Tax Map Key: (1) 9-1-017:097<sup>1</sup> por.

APPLICANT:

City and County of Honolulu, Department of Transportation Services.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Honouliuli, Ewa, Oahu, identified by Tax Map Key: (1) 9-1-017:097<sup>1</sup>, as shown on the attached map labeled Exhibit A.

AREA:

The temporary Right-of-Entry ("ROE") Permit area shall be restricted to an approximate 251,500-square foot, or 5.77-acre, area as generally shown on Exhibit B, attached.

ZONING:

State Land Use District: Urban District  
City and County of Honolulu LUO: AG-1 Restricted Agricultural

<sup>1</sup> Formerly identified as TMK (1) 9-1-017:086, area 40.354 acres. At its meeting on August 14, 2009, BLNR designated this site as an income producing asset, reserving this property to DLNR for revenue generation to fund Plan B of the Recreational Renaissance, and to repay bonds for any Recreational Renaissance plan subsequently approved by the Legislature. Pursuant to Land Court Order No. 173438, Petition for Subdivision and Designation of Restriction of Vehicle Access Rights Affecting Lot 10067-A-1, parcel is now identified by the City and County of Honolulu as TMK (1) 9-1-017:097, area 36.365 acres.

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act; lands acquired after August 1959

DHHL 30% entitlement lands pursuant to the Hawaii State  
Constitution: YES \_\_\_\_\_ NO X

CURRENT USE STATUS:

TMK Parcel (1) 9-1-17:097 is encumbered by Revocable Permit No. S-7329, A.M. Enterprises, L.L.C. for agriculture purposes.

CHARACTER OF USE:

Permitted activities under the requested ROE Permit are limited to exploratory work and data collection described below.

- (1) Property Survey. Depending on the existing conditions, vegetation may need to be cleared to obtain line of sight as necessary. Standard surveying equipment will be used. During the term of the ROE Permit, markers may be placed to identify proposed locations for the planned pier locations. Upon expiration of the ROE Permit, Applicant shall remove all markers and the site will be returned to its original condition.
- (2) Potholing. Using pressurized water and a vacuum, potholing identifies underground utilities that may be at risk of being struck during future construction activities. Once the potholing process is completed, Applicant shall backfill the potholes, which are approximately three (3) feet in diameter, and the site will be returned to its original condition.
- (3) Soil Boring and Sampling. Using a flat bed truck with a mounted drill, seven borings, are planned at surveyed locations for planned pier locations. The borings will be approximately four inches wide and 50 feet deep. Once complete, Applicant shall fill the boring holes and the site will be returned to its original condition.

The data collected under the requested temporary ROE Permit will be used in the planning and engineering work associated with the Applicant's proposed Honolulu High Capacity Transit Corridor Project ("HHCTCP").

Any additional activities or proposed improvements within the requested temporary ROE Permit area or surrounding State lands shall remain subject to BLNR review and approval.

TERM OF RIGHT-OF-ENTRY PERMIT:

Applicant anticipates the exploratory work described above to take approximately two weeks to complete. However, due to scheduling constraints, Applicant is requesting a Right-of-Entry Permit for three months.

CONSIDERATION:

Gratis. Applicant is requesting the Board waive the standard ROE fees applicable to this request.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The activities permitted under the requested ROE Permit are restricted to the specific exploratory work and data collection activities described above. All work is expected to take approximately two weeks to complete and the Applicant shall be responsible for ensuring that all areas are returned to their original condition prior to the expiration of the ROE. Consequently, these activities are not anticipated to result in a serious or major disturbance to an environmental resource.

Based on the foregoing and in accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is considered to be exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 5, Item No. 1 that states "Permission to enter State lands for the purpose of basic data collection, research, experimental management and resources evaluation activities such as archaeological survey, topographic survey, test borings for soil test, ground cover survey inspection of property for appraisal and development feasibility study purposes."

DCCA VERIFICATION:

Place of business registration confirmed:	YES	_____	NO	<u>XX</u>
Registered business name confirmed:	YES	_____	NO	<u>XX</u>
Applicant in good standing confirmed:	YES	_____	NO	<u>XX</u>

Applicant is State of Hawaii political subdivision. As a government entity, Applicant is not required to register with the DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to obtain written concurrence from A.M. Enterprises, L.L.C., the current Permittee, copies of which shall be provided to DLNR prior to the commencement of any work allowed under this ROE Permit.

REMARKS:

The City and County of Honolulu ("City"), Department of Transportation Services ("Applicant"), is requesting Board of Land and Natural Resources to approve a temporary Right-of-Entry (ROE) Permit over State lands situated in Honouliuli, Ewa, Oahu, further identified as TMK (1) 9-1-017:097 ("Parcel 97"), which is encumbered by Revocable Permit No. S-7329<sup>2</sup>.

The requested ROE permit is restricted to a three-month period and is confined to an approximately 251,500-square foot (approximately 5.77-acre) portion of Parcel 97 as shown on Exhibit B, attached. Permitted activities under the requested temporary ROE Permit shall be limited to exploratory and data collection, including surveying, potholing, and soil borings and test sampling. These activities are further described in a previous section.

The data collected under the requested temporary ROE Permit will be used in the planning and engineering work associated with the Applicant's proposed Honolulu High Capacity Transit Corridor Project ("HHCTCP"), which identifies a proposed University of Hawaii West Oahu (UHWO) transit station located adjacent to Parcel 97, and an elevated rail alignment and parking facilities within Parcel 97

Any proposed alignments or improvements within Parcel 97 included in the City's HHCTCP remain subject to prior BLNR review and approval. At a subsequent meeting, subject to City Council approval to rezone State lands in East Kapolei to a zoning district(s) suitable for reasonable commercial development, or other income producing uses, staff will submit a detailed request to BLNR for consideration of appropriate disposition(s) to the City to accommodate a proposed rail alignment over Parcel 97 and a parking facility of up to five acres.

The requested temporary ROE Permit is not expected to have any adverse impact on DLNR's revenue generating objectives for Parcel 97. Comments were solicited from A.M. Enterprises, L.L.C., the Permittee. Although as of the date of this report no objections were received, subject to BLNR approval of this request, the Applicant shall be required to provide to DLNR written concurrence from the Permittee prior to the commencement of any activities allowed under this temporary ROE Permit.

Applicant is requesting the standard ROE Permit rent be waived, which has been a courtesy granted to other governmental agencies. Accordingly staff recommends BLNR approve issuance of the requested temporary ROE Permit under the terms and conditions

---

<sup>2</sup> Under Revocable Permit No. S-7329, A.M. Enterprises, L.L.C. currently leases a total of 421.625 acres on a month-to-month basis for \$2,871.00 per month.

described herein, gratis.

However, any access beyond the three-month period, or additional exploratory or data collection activities not described herein shall be subject to further BLNR review and approval, and may be subject to, at the BLNR's sole discretion, assessment of the standard ROE Permit rent.

RECOMMENDATION:

That the Board, subject to the Applicant fulfilling the Applicant Requirements above, authorize the issuance of a temporary right-of-entry permit to City and County of Honolulu, Department of Transportation Services covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

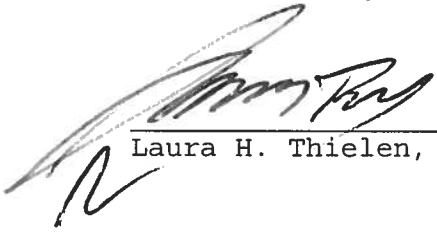
1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



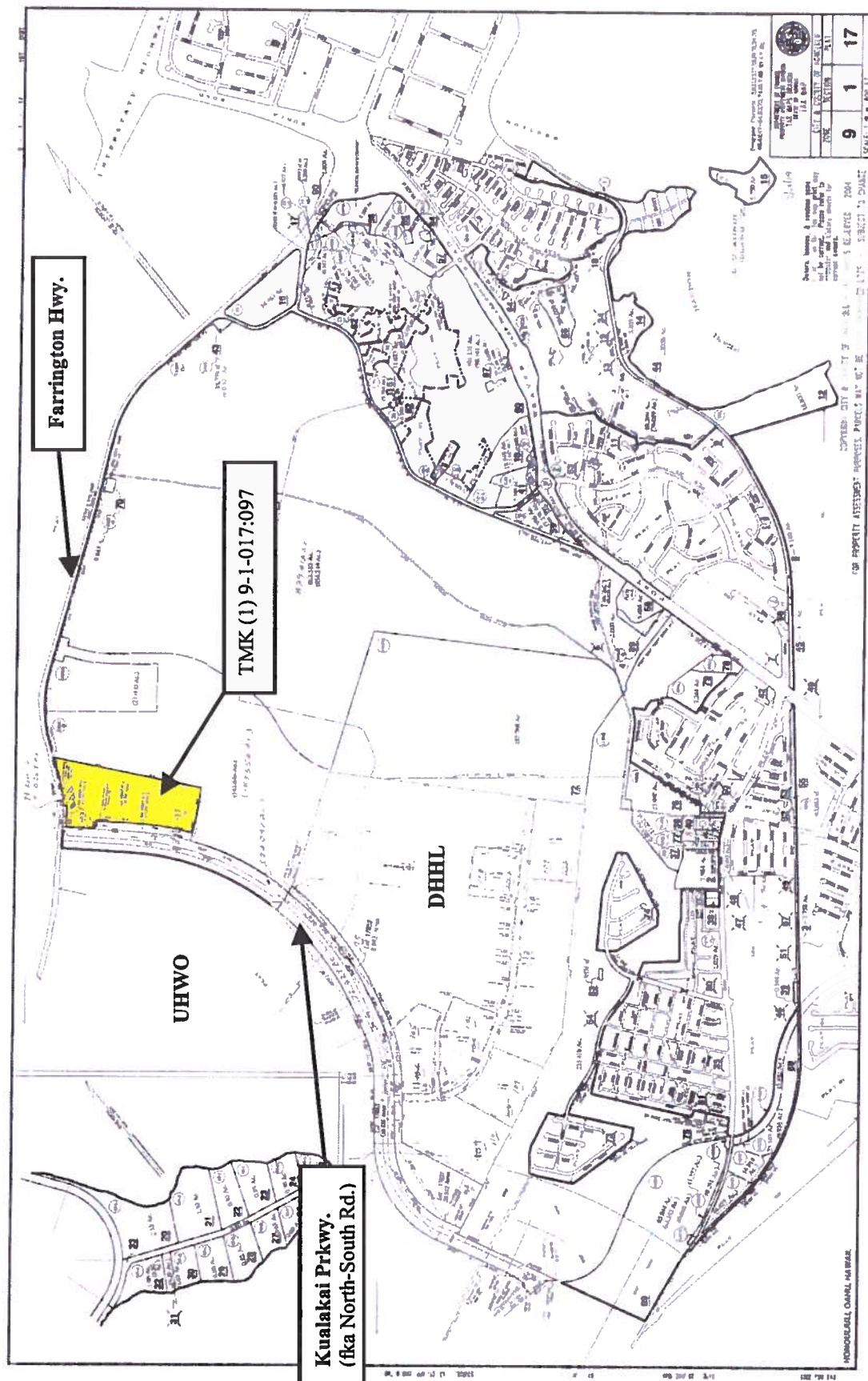
Gavin Chun  
Project Development Specialist

APPROVED FOR SUBMITTAL:



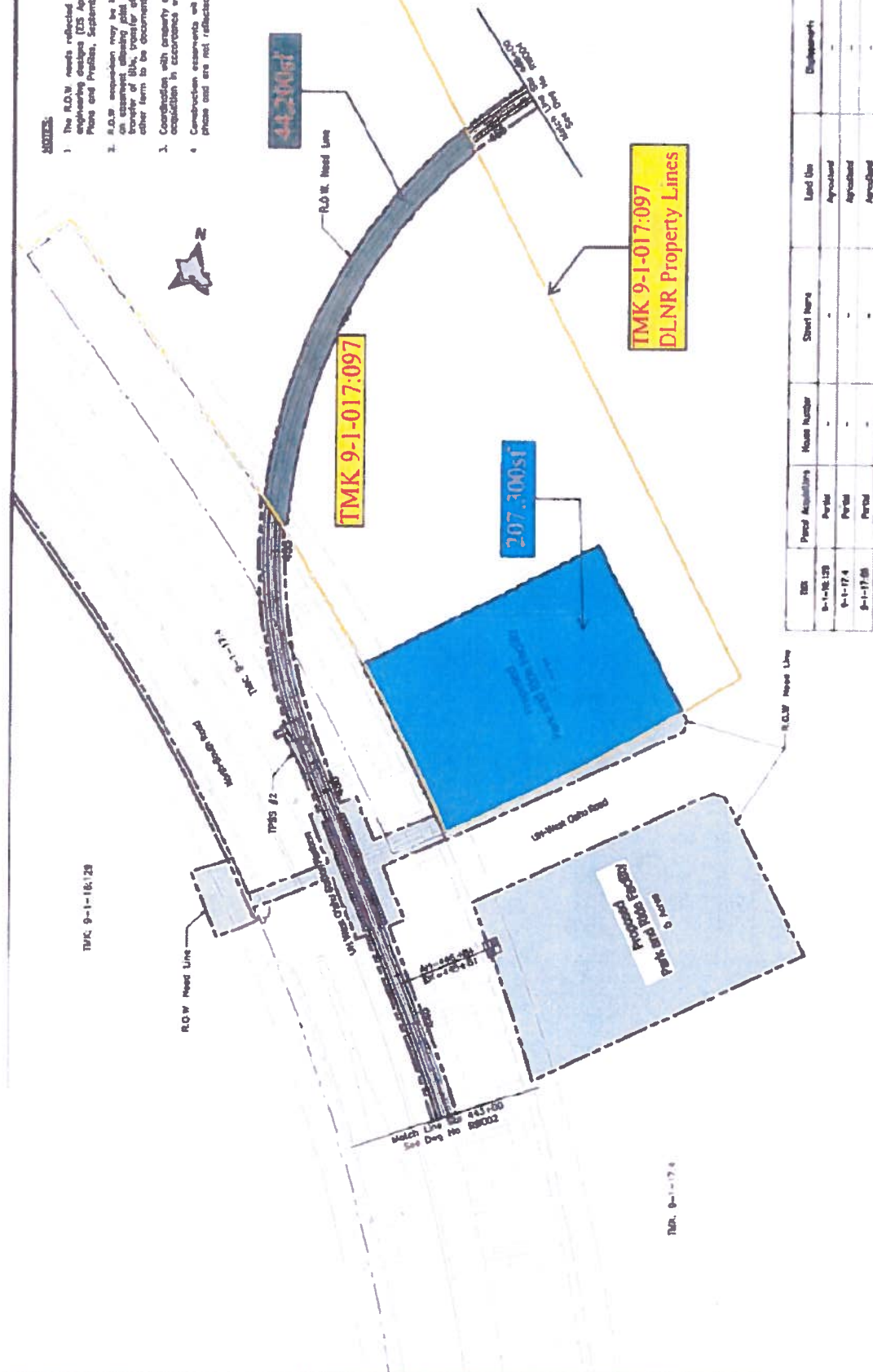
Laura H. Thielen, Chairperson





# EXHIBIT A

1. The R.O.U. needs information on plans not based on preliminary engineering designs (TDS reports, etc.) provided by the Planning and Preliminary, September 2000) and are subject to change.
2. R.O.U. acquisition may be in the form of an oral statement, written statement, or a purchase of property with knowledge of the nature and extent of the use, but in some other form to be documented by Land Court registration.
3. Coordination with property owners will occur prior to R.O.U. acquisition in accordance with regulatory requirements.
4. Construction easements will be defined during the final design phase and are not reflected on plans.



SEN	Period	Regulatory	Hours	Number	Short	Hours	Used	Days	Equipment
9-1-16-120	Period		-		-		Approved	-	
9-1-17-4	Period		-		-		Approved	-	
9-1-17-46	Period		-		-		Approved	-	



CITY & COUNTY OF HONOLULU  
DEPARTMENT OF TRANSPORTATION SERVICES  
RAPID TRANSIT DIVISION

HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

1



## PRELIMINARY RIGHT-OF-WAY PLANS

**RIGHT-OF-WAY PLAN & PROPERTY TABULATION**  
**STA 433+00 TO STA 466+00**

ST 20 + LEHS

100%



## EXHIBIT B